



Agenda Item Number: 2004-11-4I

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: November 9, 2004

Department: Infrastructure Planning and Geo Resources **Staff Contact:** Tim West, Deputy County Manager for Public Works
Steve Miller, Department Director
Raymond Orona, Right of Way Manager

TITLE: Acquisition of Property and Easement for the Modesto Diversion Drainage Improvements Project in North Albuquerque Acres

ACTION: Motion to approve the acquisition of property from Daniel T. Doyle, Scott J. and Deborah Turcotte and Preciliano and Rafaela Garcia by condemnation or settlement action for rights of way on the Modesto Diversion Drainage Improvements Project in North Albuquerque Acres.

SUMMARY:

This property and easement are needed as permanent rights of way for construction of the Modesto Diversion Drainage Improvements Project. The condemnation action consists of a total taking of 77,054.72 square feet of land from Daniel Doyle and a drainage easement of 14,840 square feet from owners Scott and Debra Turcotte and Preciliano and Rafaela Garcia. There are no existing improvements in these takings.

Right of Way staff offered to purchase the land at \$3.84/sf, and the easement at \$1.03/sf, based on appraised values calculated by a staff appraiser. The owners refused settlement. The Rights of Way Section and the Real Estate Committee have considered the necessity for condemnation action and recommend that the County proceed. The estimated values of the rights of way parcels are as follows:

For Land from Doyle: 77,054.72 SF @ 1.03 \$/SF = \$79,366.36 rounded to:	
Sub-Total.....	\$80,000
For Easement from Turcotte/Garcia: 14,840/SF @\$3.84/SF = \$56,985.60 rounded to:	
Sub-Total.....	<u>\$57,000</u>
TOTAL	\$137,000

Modesto Road is located in North Albuquerque Acres (NAA), west of Tramway Boulevard, north of Oakland Avenue, east of Lowell Street and south of Elena Drive. This project was identified in the NAA Drainage Study as avulsion #2 on the northern tributary to the La Cueva Arroyo. Five ownerships will be directly impacted by subject County improvements wherein right of way is required. Three of these ownerships have voluntarily agreed to grant right of way

whereas two have not. Construction will take approximately 95 days. The project will be funded with County bonds and Drainage Impact Fees.

ATTACHMENTS:

1. Parcel Descriptions
2. Zone Atlas Page (B-22-Z and C22-Z)
3. Valuation Analysis
4. Real Estate Committee Condemnation Approval

FISCAL IMPACT

NAA/SHS Drainage Improvement Project	BC21-566464-8610	\$137,000.00
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STAFF ANALYSIS SUMMARY

COUNTY MANAGER

Public Works Right of Way staff has attempted to negotiate the acquisition of \$77,054.72 square foot of land, at \$3.84 per square foot, and 14,840 square foot of drainage easement, at \$1.03 per square foot, for the Modesto Diversion Drainage Improvements Project. Although the offering price reflects the current appraised values, the owners refused settlement. In order to proceed with the Project, staff is requesting authority from the Board to proceed with condemnation. I recommend Board approval. TL 11/2/04

DEPUTY COUNTY MANAGER FOR PUBLIC WORKS

The property acquisition in the identified locations is required to construct drainage improvements to facilitate collection and conveyance of storm run-off water in Modesto to Read. Funding is available for acquisition and subsequent construction to enhance storm drainage facilitation for this project providing public benefit. I recommend approval. TW 10/28/04

LEGAL

Acquisition approved by Real Estate Committee. Approved as to form only. Deborah S. Seligman 10/27/04

FINANCE

Budget

Approval will allow the County to acquire the property from Daniel T. Doyle, Scott J. and Deborah Turcotte, and Preciliano and Rafaela Garcia for the Right of Way on the Modesto Diversion Drainage Improvements Project in North Albuquerque Acres. Funds are available from the Storm Drain Sewer Bonds and are budgeted in the account listed above. Priscilla L. Gutierrez, Budget Analyst Sr. 10/27/04

Purchasing

No comment necessary. Bob Henderson, Senior Buyer 10/26/04

Contracts

No comment necessary. Bob Henderson, Senior Buyer 10/26/04

Risk Management

No comment required. David A. Baca, Risk Administrator 10/26/04